

REMARKS

In the application, Claims 1-14 are pending and rejected. The rejections and objections raised in the Office Action of February 26, 2003 have been considered and, in response, Claims have been amended. It is submitted that the claims now presented are in a condition for allowance and the Examiner is requested to reconsider the claims and issue a notice of allowance.

Amendments to the specification have been made to correct numerous typographical and grammatical errors and to insert symbols indicating trademark status of certain terms used in the specification. With regard to the amendment to the first paragraph on page 35, the arbitrary term used to indicate a search condition has been replaced to avoid the risk of a reader recognizing the term as variation on an acronym for a potentially offensive phrase. No new matter is added by any of the amendments. A substitute specification will be provided if requested by the Examiner.

The Examiner rejects Claims 1-14 under 35 U.S.C. §112, 2nd para. as being indefinite.

In response, Claim 1 has been amended and Claims 2-14 canceled. New claims 15-41 have been drafted to avoid the specific instances of lack of clarity identified by the Examiner. Specifically with regard to the rejection of Claim 2 stated in paragraph 6 of the Office Action, the phrase “known and not known” refers to whether a standardized identifier such as a GenBank number, Affy ID number, or similar ID number uniquely associated with the fragment is known or not. Clarification of this phrase is incorporated in each of Claims 1. It is submitted that the meaning of the phrase as now written (“known versus unknown standardized identifier”) will be readily apparent to one of skill in the art.

The Examiner rejects Claims 1-14 under 35 U.S.C. §102(b) as being clearly anticipated by Eckman et al.

Claim 1 has been amended to include limitations that the gene expression and related data are stored in separate databases; different attributes that are used to group the gene fragment data into different classes are specified; and the user query consists of one or a combination of attributes. New independent claims 21, 29 and 35 contain these same limitations. In the dependent claims, different user queries are specified to utilize different tools such as E-Northern (Claims 16, 24, 31 and 37), gene signature (Claims 17, 25, 32 and 38),

differential expression (Claims 18, 26, 33 and 39) and fold change analysis (Claims 19, 27, 34 and 40.)

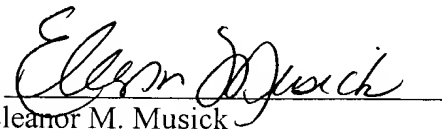
Eckman et al. teach a limited search capability in which the queries consist of specific identifiers for each EST (EST accession number, text search of EST definition lines, and index class ID). In other words, the user must possess specific information about the EST in order to conduct a search. Importantly, there is no provision for searching from a sample perspective, where a user can select, for example, donor, organ, tissue and/or disease, which would allow the user to determine the identities of, or expression data for, gene fragments whose identity may not be known in advance. Furthermore, with regard to the dependent claims, because Eckman et al. do not provide means for sample set selection, Eckman et al. cannot teach the different analysis tools that are applied to sample sets as set forth in the dependent claims. Accordingly, it is submitted that Eckman et al. do not teach each and every element of the invention as now claimed in Claims 1 and 15-34 and, thus, cannot serve as a basis for rejection under §102(b).

In view of the foregoing amendments and remarks, Applicant submit that all bases for rejection have been addressed and overcome such that the amended claims are allowable over the prior art. Accordingly, Applicant respectfully requests that the Examiner withdraw all rejections set forth in the Office Action and issue a notice of allowance for all claims now in the application.

Should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues, he is invited to telephone the undersigned attorney for Applicant at the telephone number indicated below.

Respectfully submitted,

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